

Meeting	<b>LICENSING SUB COMMITTEE</b>
Time/Day/Date	6.30 pm on Thursday, 30 April 2015
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512) Licensing Enforcement Officer (01530 454596)

All persons present are reminded that the meeting may be recorded and by attending this meeting you are giving your consent to being filmed and your image being used. You are kindly requested to make it known to the Chairman if you intend to film or record this meeting.

The Monitoring Officer would like to remind members that when they are considering whether the following items are exempt information under the relevant paragraph under part 1 of Schedule 12A of the Local Government Act 1972 they must have regard to the public interest test. This means that members must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available to the public.

#### **NOTIFICATION OF HEARING**

<b>Item</b>	<b>Pages</b>
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<b>1</b>	<b>ELECTION OF CHAIRMAN</b>	
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<b>2</b>	<b>APOLOGIES FOR ABSENCE</b>	
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<b>3</b>	<b>DECLARATION OF INTERESTS</b>	
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Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary.

<b>4</b>	<b>APPLICATION FOR A VARIATION OF A PREMISES LICENCE</b>	
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<b>PREMISES:</b>	Captain Kev's Burger Bar, Market Street, Ashby de la Zouch, Leicestershire	<b>3 - 54</b>
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**APPLICANT:** Mr Shrain Tumber

To determine an application for a variation of a premises licence in respect of the above.



Representations have been received from two interested parties. A Notice of Hearing inviting them to attend has been sent to them. If they fail to attend, the hearing can be held in their absence or adjourned.

The following documents are attached: -

- a) Report of the Licensing Enforcement Officer

At the beginning of the Hearing, the authority shall explain to the parties the procedure it is proposed to follow. The Hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless it is required to consider the representations.

Circulation:

Councillor L Massey  
Councillor M Specht  
Councillor M B Wyatt

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**LICENSING SUB COMMITTEE – 30 APRIL 2015**

Title of report	<b>APPLICATION FOR A VARIATION OF A PREMISES LICENCE</b>
Contacts	<p>Councillor Alison Smith MBE 01530 835668 <a href="mailto:alison.smith@nwleicestershire.gov.uk">alison.smith@nwleicestershire.gov.uk</a></p> <p>Environmental Health Team Manager 01530 454610 <a href="mailto:lee.mansfield@nwleicestershire.gov.uk">lee.mansfield@nwleicestershire.gov.uk</a></p> <p>Licensing Enforcement Officer 01530 454596 <a href="mailto:andy.cooper@nwleicestershire.gov.uk">andy.cooper@nwleicestershire.gov.uk</a></p>
Purpose of report	To determine an application for a variation of a premises licence in respect of premises trading as Captain Kev's Burger Bar, Market Street, Ashby De La Zouch, Leicestershire. This report outlines the application and also highlights the licensing objectives, the relevant parts of Government guidance and the pertinent sections of the Licensing Authority's Licensing Policy.
Council Priorities	Business and Jobs
Implications:	
Financial/Staff	Implications arising from an appeal made to the Magistrates Court by anyone aggrieved by the decision of the Sub-Committee.
Link to relevant CAT	N/A
Risk Management	The risk of cost arising from an appeal against the decision of the Committee. In any event and in order to mitigate these risks, the Committee should give clear reasons for its decisions and any such reasons would need to be substantiated in Court.
Equalities Impact Assessment	Equality Impact Assessment already undertaken, issues identified actioned.
Human Rights	Article 1 of Protocol 1 of the European Convention of Human Rights provides that everyone is entitled to the peaceful enjoyment of his possessions, except in the public interest and subject to the conditions provided for by law.

Transformational Government	Not applicable.
Consultees	Leicestershire Fire and Rescue Service, Trading Standards, Health and Safety, Environmental Protection, Licensing Authority, Planning, Health Authority and members of the public/local businesses by way of notice at the premises, on the Council's website and at the Council Offices, Coalville.
Background papers	<a href="#">Guidance issued under Section 182 of the Licensing Act 2003</a> <a href="#">Statement of Licensing Policy – Issue 6</a>
Recommendations	<b>THAT THE SUB-COMMITTEE DETERMINE THE APPLICATION.</b>

## 1. Background

- 1.1 The premises are a mobile burger bar which must be positioned between numbers 58 and 72 Market Street Ashby De La Zouch and currently hold a premises licence issued under the Licensing Act 2003. A copy of the premises licence is attached as **appendix 1**.
- 1.2 A map showing the location of the premises is attached as **appendix 2**.
- 1.3 An application for the variation of premises licence was received from Mr Shrain Tumber on 18 March 2015. A copy of the application is attached as **appendix 3**.
- 1.4 The variation of premises licence is detailed as follows.

### Provision of late night refreshment

- Current permitted licensable activity is Fridays and Saturdays 23:00 to 02:30hrs the following morning. The application is to extend the terminal hour on Fridays and Saturdays to 03:30.
  - To remove condition 5 of Annex 2 – No drinks shall be sold or supplied except in plastic bottles.
- 1.5 The applicant has specified steps they intend to take in order to promote the four licensing objectives:

### General – All four licensing objectives:

- The applicant will monitor each of the licensing objectives and make improvements should it be necessary.

### **The prevention of crime and disorder:**

- The premises shall close immediately should there be any signs of crime until such time that it is safe to reopen.

### **Public safety:**

- A first aid box shall be kept on site.
- Food Temperatures shall be logged.

### **The prevention of public nuisance:**

- A silent running generator shall be used to minimise sound and toxic fumes.
- Outside of the premises shall be swept clean to ensure that the street is kept as clean as possible.

### **The protection of children from harm:**

- The premises shall operate no identification no sale policy whereby no children under the age of 16 shall be served after 2100hours unless they are accompanied by an adult.

## **2.0 Representations**

2.1 In respect of an application to vary the premises licence, the applicant is responsible for advertising the application by way of a notice in specified form at the premises for not less than 28 consecutive days and in a local newspaper. The applicant placed a notice in the Coalville and Ashby Times on 20 March 2015 and Officers are satisfied that the correct notices have been displayed at the premises. Details of the application were also posted onto the Council website on 19 March 2015.

2.2 No representations have been received from any of the responsible authorities.

2.3 Any other person is able to make representations within 28 days of display of the notice of application to the Licensing Authority.

2.4 Two representations have been received on the prevention of crime and disorder, public nuisance and public safety. Copies of the representations are attached as **appendices 4 and 5**.

2.5 The applicant has submitted additional information to support their application. This information is attached as **appendix 6**.

## **3.0 Cumulative Impact**

3.1 The premises are situated in Market Street, Ashby De La Zouch which is within the area of the special policy on cumulative impact referred to in the Council's Statement of Licensing Policy.

3.2 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations will

normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

- 3.3 The Licensing Authority recognises that this policy cannot be absolute and will consider each application properly on its merit and those that are unlikely to contribute to the cumulative impact problems will be approved.

#### **4.0 Statutory Guidance**

- 4.1 In making its decision, the Sub-Committee is obliged to have regard to Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. All Licensing Committee members have been provided with a full copy of the guidance document. Officers consider that paragraphs 1.1 to 1.17, 2.1 to 2.5, 2.6 to 2.8, 2.14 to 2.18, 3.11 to 3.18, 8.42, 8.66 to 8.69, 8.72 to 8.80, 9.1 to 9.10, 9.30 to 9.39, 9.41 to 9.43, 10.1 to 10.10, 12.1, 12.10, 13.1 and 13.20 to 13.23, may have a bearing upon the application.

#### **5.0 Statement of Licensing Policy**

- 5.1 The Sub-Committee is also obliged to have regard to its own Statement of Licensing Policy. Officers consider that paragraphs 2.1 to 2.5, 3.0, 4.1 to 5.1 to 5.4, 6.1 to 6.4, 10.0, 11.0, 20.0, 22.0, 23.0, and 26.0 may have a bearing upon the application.

#### **6.0 Observations**

- 6.1 The Committee is obliged to determine this application with a view to promoting the licensing objectives, which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

- 6.2 The Committee may take such of the following steps, if any, as it considers necessary for the promotion of the licensing objectives:

- a) Grant the application as requested.
- b) Modify the conditions of the licence, by altering or omitting or adding to them.
- c) Reject the whole or part of the application.

- 6.3 There is a right of appeal to the Magistrates Court against the decision of the Sub-Committee by the applicant and persons who made relevant representations.

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**Premises licence number**

NWL20321

**Part 1 – Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**

Captain Kev's Burger Bar, Market Street, Ashby de la Zouch

**Post town** Leicestershire

**Post code** LE65

**Telephone number** 07966 665633

**Premises to which the licence relates**

Vehicle registration number X985 PGE (Ford Transit)  
Together with a towable catering trailer identification mark – ID Number – N346686 / 21004500LKZ

**Licensable activities authorised by the licence**

Provision of late night refreshment (outdoors)

**The time the licence authorises the carrying out of licensable activities**

**Provision of late night refreshment (outdoors):**

Friday & Saturday 23:00 hrs until 02:30 hrs the following morning  
Christmas Eve 23:00 hrs until 05:00 hrs the following morning  
New Years Eve 23:00 hrs until 05:00 hrs the following morning

**The opening hours of the premises**

Friday & Saturday 23:00 hrs until 02:30 hrs the following morning  
Christmas Eve 23:00 hrs until 05:00 hrs the following morning  
New Years Eve 23:00 hrs until 05:00 hrs the following morning

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

**Part 2**

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence**

Shraine Tumber  
16 Kerrial Garden  
Leicester  
LE3 6LS

Tel. No. 07966 665633

**Registered number of holder, for example company number, charity number (where applicable)**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

**Signed:**

**Dated: 18<sup>th</sup> November 2014**

**Andrew Cooper  
Licensing Enforcement Officer**



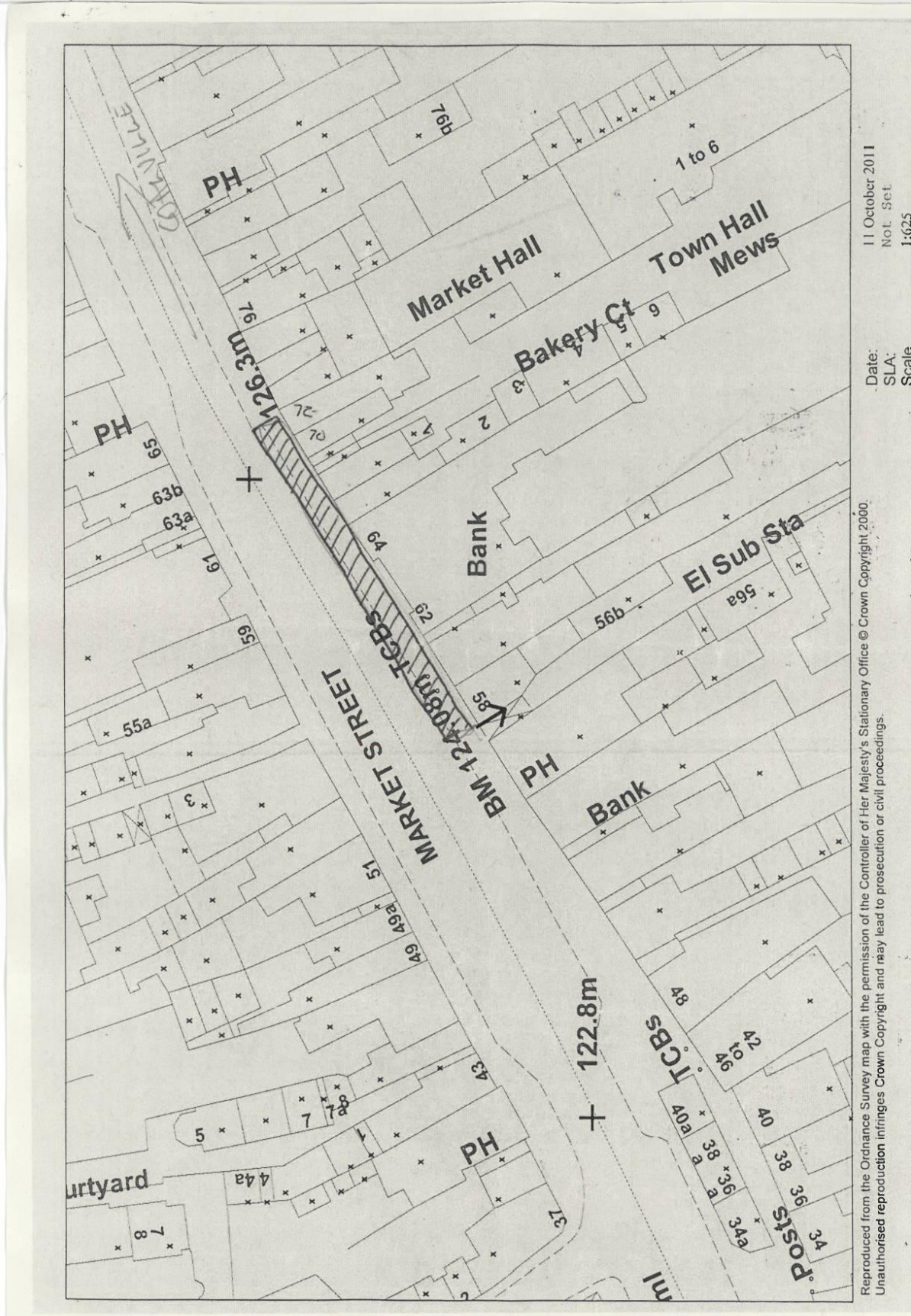
## **Annex 1 – Mandatory conditions**

## **Annex 2 – Conditions consistent with the operating schedule**

1. The licensee shall ensure that customers are served as quickly as possible.
2. The licensee and person in charge of the premises shall co-operate with any instructions given by the Leicestershire Constabulary.
3. Gas bottles shall be appropriately stored in a sufficiently ventilated area not accessible by members of the public.
4. No customers shall be permitted access to the mobile unit.
5. No drinks shall be sold or supplied except in plastic bottles or cups.
6. All rubbish shall be swept away at the end of opening hours when the Premises have been trading.
7. No children under the age of 16 shall be served after 2100hours unless they are accompanied by an adult.
8. The premises must not remain on the location outside the licensed trading hours.
9. The premises must remain within the location whilst trading and must not position itself in any other location.
10. The licence holder is under an obligation to ensure that all reasonable steps are taken so as to ensure the reduction in nuisance/disturbance to neighbours, residents and occupiers of adjoining premises.
11. The fuel source for the generator will be stored in an appropriate manner compliant with fire safety requirements.
12. The licence holder shall comply with the Street Trading consent and conditions at all times.
13. Where the premises are unavailable for use by the licence holder, due to repairs/maintenance, a replacement premises will be permitted for use under this licence for a period not exceeding four weeks provided permission is first sought from the licensing authority (such permission to not be unreasonably withheld)

**Annex 3 – Conditions attached after a hearing by the licensing authority**

Annex 4 – Plans



Date: 11 October 2011  
 SLA: Not Set  
 Scale: 1:625

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Application to vary a premises licence under the Licensing Act 2003

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We MR SHRAINE TUMBER  
(Insert name(s) of applicant)  
being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	NWL2031
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**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
CAPTAIN KEVS BURGER BAR MARKET STREET ASHBY DE LA ZOUAT.			
Post town	LEICESTERSHIRE.	Postcode	LE65 1AN
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£	

**Part 2 – Applicant details**

Daytime contact telephone number		079 6666 5633	
E-mail address (optional)			
Current postal address if different from premises address		16 KERRIAL GARDENS LEICESTER	
Post town	Leicestershire	Postcode	LE3-6LS

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?  Yes  No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)  Yes  No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

Extend Trading time from 2.30 am - 3.30 am.  
to Allow customers to eat hot food, when they leave for home.

Remove Condition 5.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

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**Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

**Provision of regulated entertainment**

**Please tick all that apply**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**A**

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

**B**

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b>Please give further details</b> (please read guidance note 4)
<b>Day</b>	<b>Start</b>	<b>Finish</b>	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 8)

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			<b>Please give further details here</b> (please read guidance note 4)	
Thur				
Fri				
Sat				
Sun				
			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)	

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)					
Mon								
Tue								
Wed						<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Thur								
Fri						<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat								
Sun								

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)					
Mon								
Tue								
Wed						<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Thur								
Fri						<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat								
Sun								

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			<b>Please give a description of the type of entertainment you will be providing</b>		
			<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

I

<b>Late night refreshment Standard days and timings (please read guidance note 7)</b>			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)</b>	Indoors	<input type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here (please read guidance note 4)</b>		
Mon					
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment (please read guidance note 5)</b>		
Thur					
Fri	11 pm	3:30 am			
Sat	11 pm	3:30 am	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)</b>		
Sun					

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption</b> <u>- please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Both</b> <input type="checkbox"/>		
<b>Mon</b>			<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
<b>Tue</b>					
<b>Wed</b>					
<b>Thur</b>			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
<b>Fri</b>					
<b>Sat</b>					
<b>Sun</b>					

**K**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon			As Existing.
Tue			
Wed			
Thur			
Fri	8pm	3:30am	
Sat	8pm	3:30am	
Sun			

**Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)**

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Condition 5.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Please tick as appropriate



If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

**M**

**Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:**

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

I will continue to monitor each objective and improve each one if I feel there needs to be an improvement.

**b) The prevention of crime and disorder**

Any signs of crime outside my premises I will close immediately until it is safe to re open.

**c) Public safety**

A first Aid Box will be on site if needed, all hot food will be monitored with a temperature probe, along with frozen food, and all temperatures will be logged.

**d) The prevention of public nuisance**

I will sweep outside my premises and about further to make sure the street is as clean as possible. A silent generator is in use to minimise sound and toxic fumes.

**e) The protection of children from harm**

I will operate a NO 10 - NO SALE policy AFTER 9PM as on condition NO. 7.

**Checklist:**

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 5 – Signatures (please read guidance note 11)**

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.**

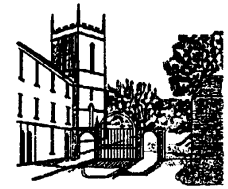
Signature	<i>Shrouhabe</i>
Date	<i>18/3/15</i>
Capacity	

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)**

<p>Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)</p>			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			



## Ashby de la Zouch Civic Society

69 Leicester Road  
Ashby de la Zouch  
Leicestershire  
LE65 1DD

14th April 2015

Email: [christandy@hotmail.co.uk](mailto:christandy@hotmail.co.uk)

### Street Trading License Captain Kev Burger Van

We object to this application for extension of trading hours of this license.

Police statistics show that extending licensing hours encourages crimes and disorder violence and criminal damage by encouraging drunken customers to linger in the street rather than go home. Reported late night crime of antisocial behaviour, violence and criminal damage has increased from 452 incidents in 2013 to 468 incidents in 2014 with extended opening hours granted to licensed premises. Also that the majority of crime is committed at closing time or later. The proposed license to run for an extra hour is therefore contrary to licensing objectives of preventing crime and disorder and reinforcing public safety

It will also create a public nuisance with late night noise for local residents who live above retail premises in market street and residents in union passage and south street. It is unreasonable to subject these residents to an extra hour of disturbance. This is contrary to the public nuisance objective.

Market street is covered by the saturation policy which give presumption to refusal of adverse change to current licenses.

We would therefore ask that this application is refused.

Regards

Chris Tandy  
Vice Chairman Ashby Civic Society

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**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL  
LICENSING ACT 2003**

**REPRESENTATION FORM FROM INTERESTED PARTIES**

This representation is made by an interested Party in the vicinity of the premises to be licensed as detailed below

<b>Your name/organisation name/name of body you represent</b>	Ashby de la Zouch Town Council
<b>Organisation name/name of body you represent (if appropriate)</b>	
<b>Your Postal address</b>	Legion House, South Street, Ashby de la Zouch, Leicestershire, LE65 1BQ
<b>Name of the premises you are making a representation about</b>	Captain Kev's Burger Bar
<b>Address of the premises you are making a representation about</b>	Market Street, Ashby de la Zouch, LE65 1AN

**What are you making a representation about?**

Please indicate which part of the licence/certificate application you are making a representation about (i.e. Terminal hours, and music and dancing on Friday and Saturday night)

Extend hours for late night refreshment from 02:30 to 03:30 hours.

Your representation must relate to one of the four Licensing Objectives

<b>Licensing Objective</b>	<b>Yes Or No</b>	<b><i>Please provide full details of your concerns regarding the application and include any evidence you may have in support of it. Please use separate sheets if necessary</i></b>
<b>To prevent crime and disorder</b>	Yes	Evidence that there are still serious incidents of violent disorder occurring on Market Street and in the surrounding area. This application will extend the time people remain in the town centre after the clubs have closed giving greater opportunity for serious disorder and preventing the dispersal of people away from the town centre.
<b>Public safety</b>	Yes	Permitting late night refreshment to be served until 3:30 will extend the time people leaving the clubs are staying in the town centre. Rather than dispersing to their homes and so increasing the likelihood of fights and other forms of disorder.
<b>To prevent public nuisance</b>	Yes	Concerns for residents who live on Market Street as people will be remaining in the town centre until later, rather than dispersing as the clubs close.
<b>To protect children from harm</b>	No	

<b>Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account.</b>	<p>This application goes against the Statement of Licensing Policy relating to Ashby. This policy has helped to improve the night time atmosphere in the town.</p> <p>In 2013 the Town Council conducted a licensing survey of town centre businesses and residents and one common theme was a wish for fast food establishments to close at the same time as, or even earlier than the nightclubs. This application goes against that desire.</p>
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	<p>Where respondents gave comments 23 said they didn't think fast food establishments should open after 2:30am. With concern that later closing times will hamper the dispersal of people from the town.</p>
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A copy of the results of the Licensing Survey is attached.

Signed: Karen Edwards

Date: 14<sup>th</sup> April 2015

Capacity: Deputy Town Clerk

## **Ashby de la Zouch Town Council**

### **2013 survey of the late night time economy**

#### **Executive summary**

In November 2012 the Licensing Committee of Ashby de la Zouch Town Council resolved that a survey of the views of people who live and work in the centre of Ashby on the late night economy in the town should be conducted. Over 400 forms were distributed to homes and businesses in the town centre and 49 forms returned.

#### **Key themes coming from the survey**

- Changing the closing time for night clubs from 3am to 2:30am is seen by 68% of respondents as having an impact with 39% seeing this impact as beneficial.
- The opening hours of the fast food establishments are seen by 66% of respondents to have an impact, with 55% seeing this impact as detrimental.
- The opening hours of pubs are seen by 72% of respondents as having an impact, with 55% seeing this impact as detrimental.
- Litter and dirty streets are seen as issues by 27 of the 49 respondents when related to the opening hours of fast food establishments.
- Problems with noise and disruption are seen as issues relating to club closing times by 22 respondents.
- The night clubs were viewed as controlling drunken people better than the pubs, as they could refuse admission.
- The economic value of the night time economy is acknowledged, alongside maintaining competitiveness with neighbouring towns and earlier closing could hamper this. Others wanted to improve the market mix in the town, with a wider range of customers being attracted to pubs and restaurants.
- 5 respondents acknowledged improvements in recent years with the no drinking in the street, the Street Pastors and CCTV being beneficial.

Closing times were seen as an issue with 36 respondents suggesting different closing times, ranging from 11pm to 2am, but 7 respondents wanted a later closing time to help maintain competitiveness with neighbouring towns and to spread out the times people leave. One common theme was wanting fast food establishments to close at the same time as, or even earlier than the night clubs.

#### **Recommendation**

It is recommended that this report is received and noted by the Committee.

## **Ashby de la Zouch Town Council**

### **2013 survey of the late night time economy**

#### **1. Introduction**

In May 2012 Ashby de la Zouch Town Council decided to establish a standalone Licensing Committee to consider licensing applications. During 2012 there were a number of applications from night clubs and fast food establishments in the town seeking to extend their licensing hours. The town council made representations opposing these applications, but felt that it would be useful to carry out a survey of people living and working in the town centre on the late night economy. The results of the survey would give the new Licensing Committee additional evidence on the views of the people of Ashby which could be used to inform representations on licensing matters.

On 12 November 2012 the Licensing Committee agreed that a survey would be sent out to residents and businesses based in the immediate vicinity of Market Street, Bath Street, South Street and Bath Street. In March 2013 the survey was sent out to 402 residential properties and businesses within the town centre. Streets covered included:

- Lower Church Street, South Street and Prior Park Road
- Upper Church Street and Wood Street (upto Upper Church Street junction)
- Market Street, Huntingdon Court, Mill Lane Mews, Rushton's Yard, Union Passage, Pass Courtyard and Bakery Court
- North Street, Claridge Place and Hood Court
- Brook Street, Elford Street, The Green and Mill Bank
- Bath Street, Rawdon Terrace and Kilwardby Street (town centre end)
- Derby Road and bottom of Burton Road

49 survey forms were returned from the following parts of the town centre:

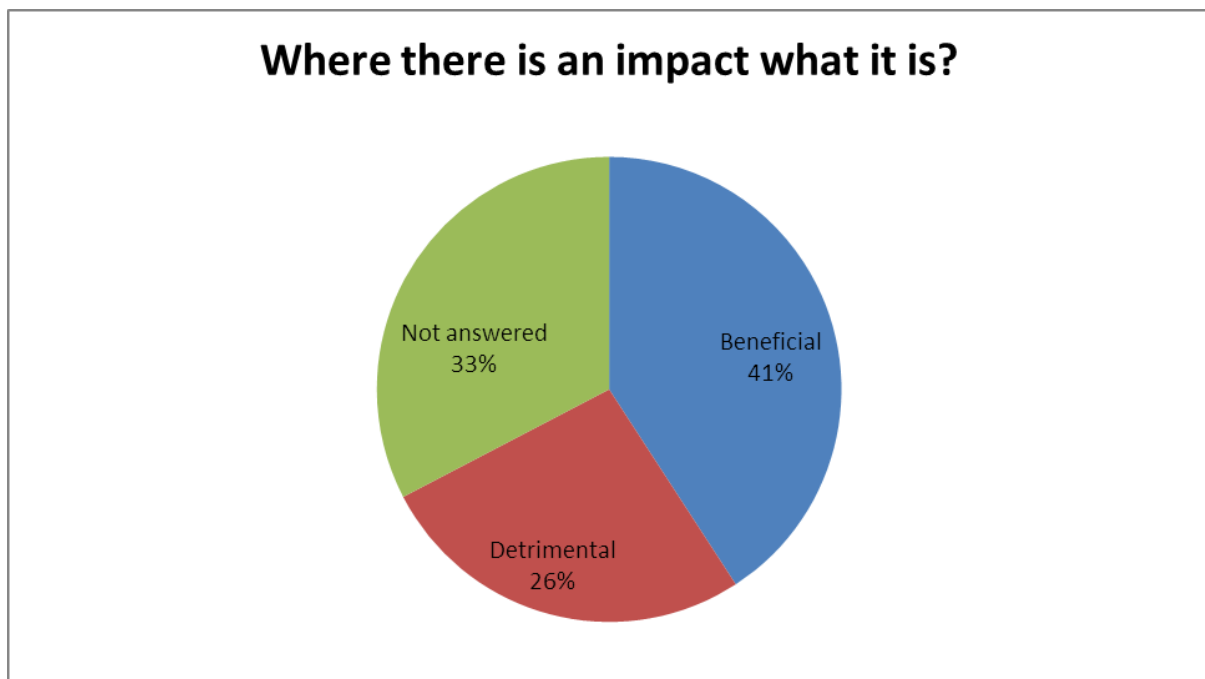
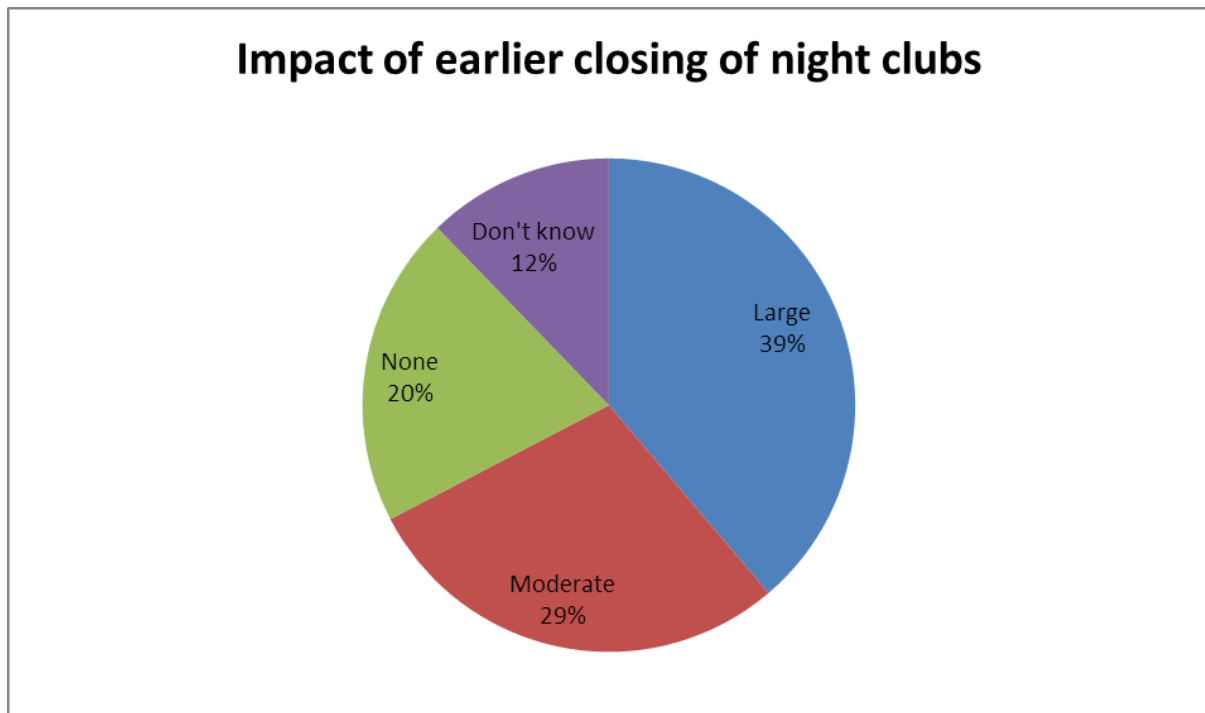
- Market Street (11 forms or 22%)
- South Street (11 forms or 22%)
- Claridge Place (7 forms or 14%)
- The Vaults, South Street (4 forms or 8%)
- Prior Park Road (4 forms or 8%)
- Wood Street (2 forms or 4%)
- Lower Church Street (2 forms or 4%)
- Burton Road (2 forms or 4%)
- Hood Court (1 form or 2%)



- North Street (1 form or 2%)
- Rawdon Terrace (1 form or 2%)
- Kilwardby Mews (1 form or 2%)
- Other non resident in Ashby but work in town centre (2 forms or 4%)

This paper presents the results of the survey.

2. Views on the night clubs opening hours changing from 3am to 2:30am and the impact this is having on the town centre.



39 respondents explained their answers, with some covering more than one point.

The changes were seen as beneficial by 11 people for the following reasons:

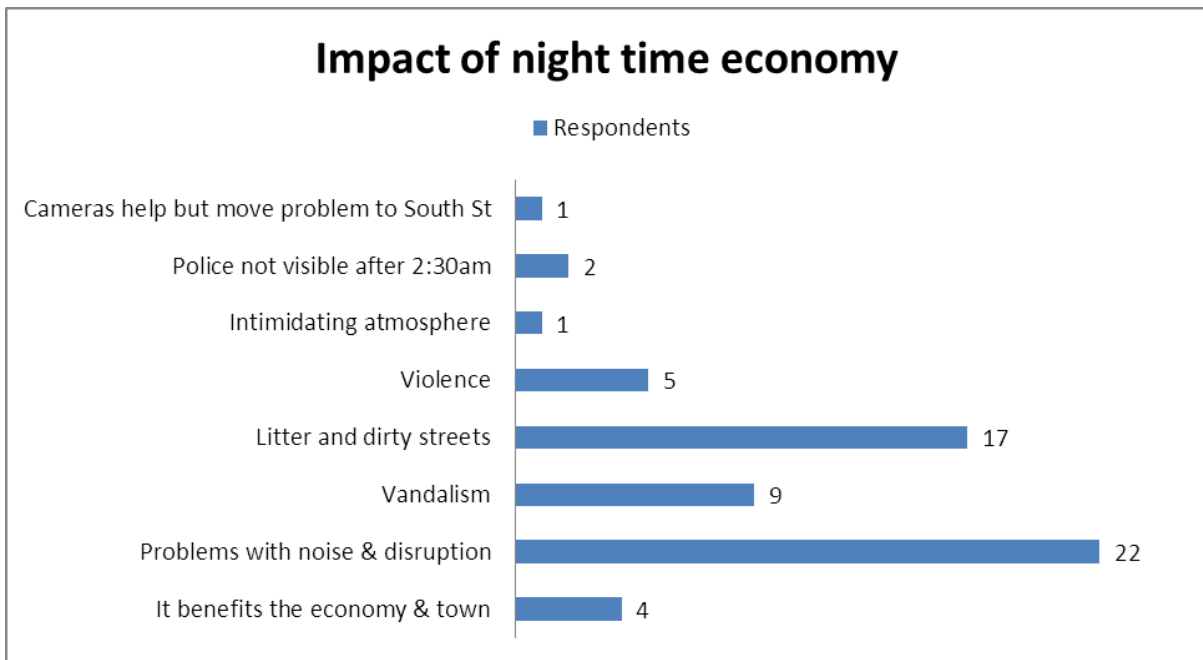
- Less noise and disruption (8 people)
- 2:30am is seen as late enough (1 person)

- There is no trouble anymore, most go home quietly now 2:30am

The changes were not seen as beneficial by 10 people for the following reasons:

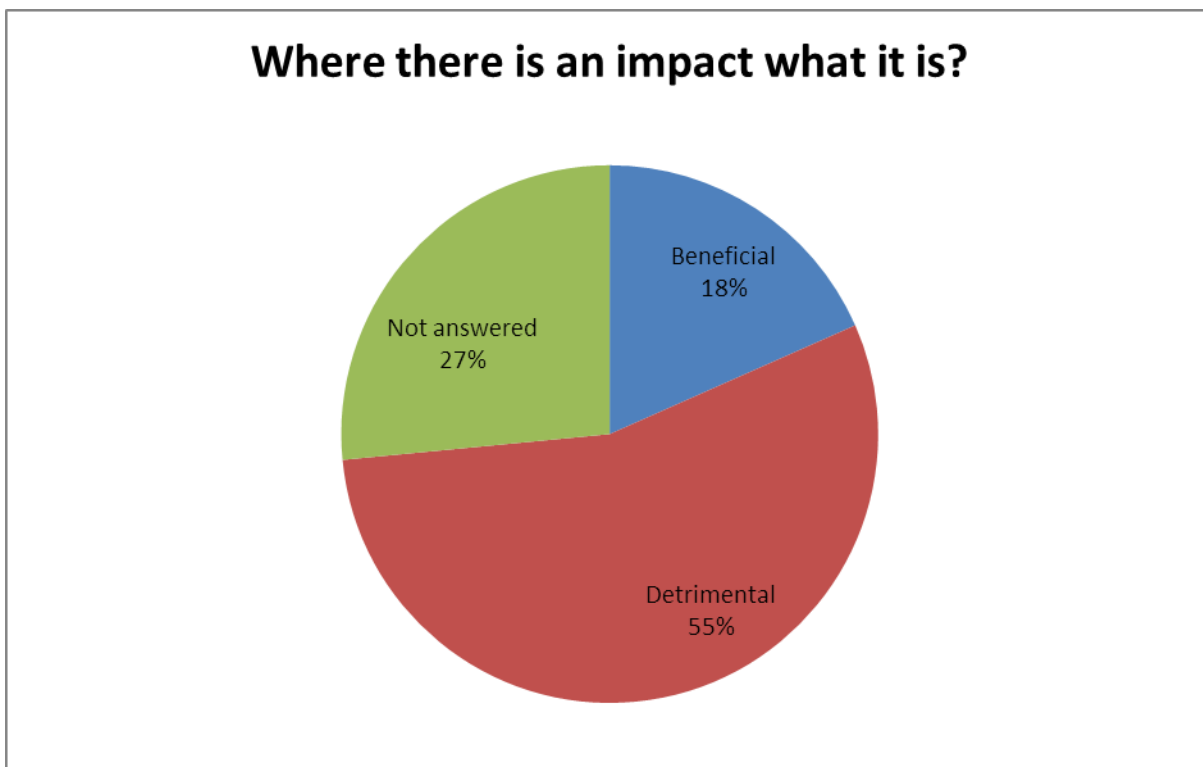
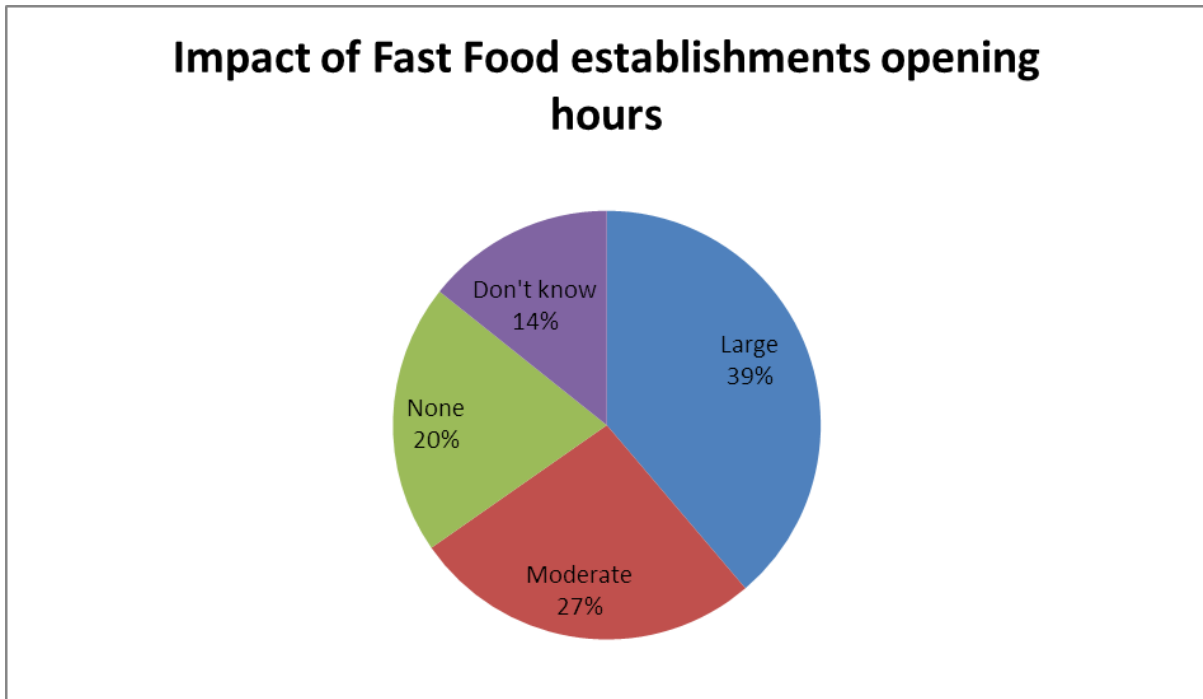
- Employed in sector and longer hours helped my wages (1 person)
- Prefer later opening hours (3 people)
- Prefer earlier closing time (2 people)
- There has been no impact (2 people)
- Impact can't be seen until warmer weather (1 person)
- Question whether it is being implemented (1 person)

Respondents also made more general comments on the impact of the night time economy on Ashby:



Annex 1 gives further details of comments made by respondents.

### 3. Views on the impact of fast food outlets opening hours on the town centre

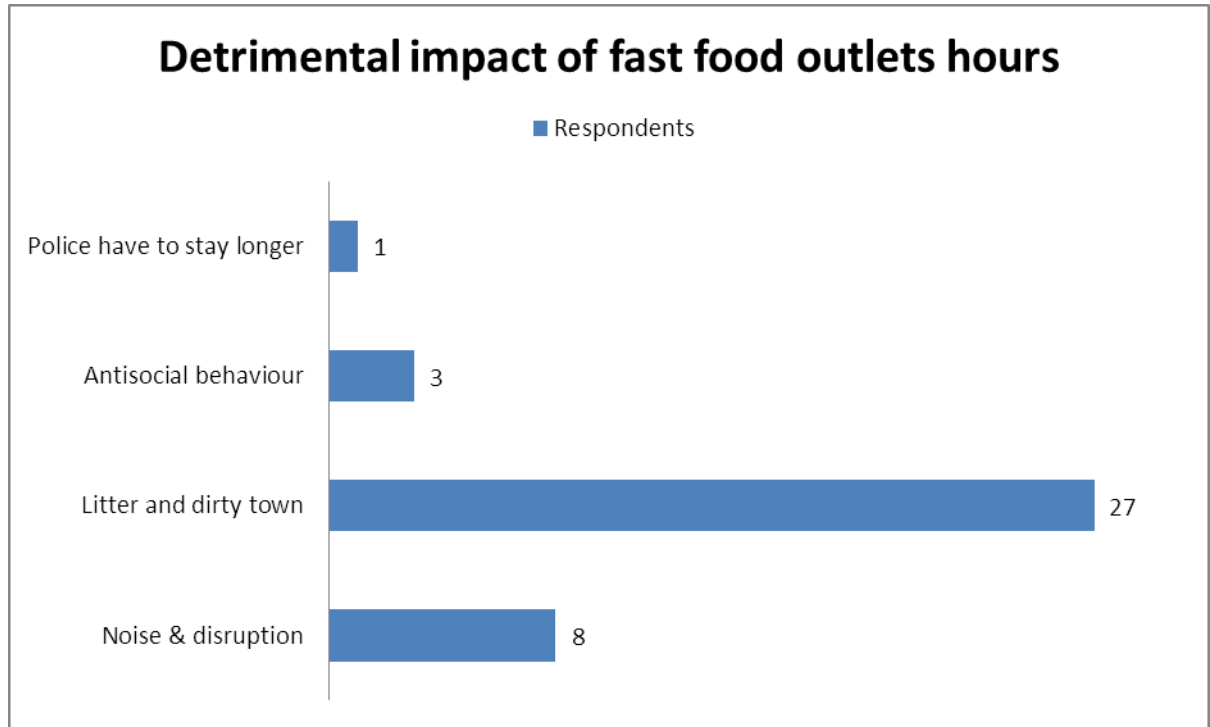


3 respondents see the fast food outlets late night opening as beneficial for the town for the following reasons:

- Fast food is a good way for people to sober up
- Money is better being spent in Ashby than in other towns

- They like fast food

There were 39 comments on the detrimental impact of the fast food outlets opening hours:



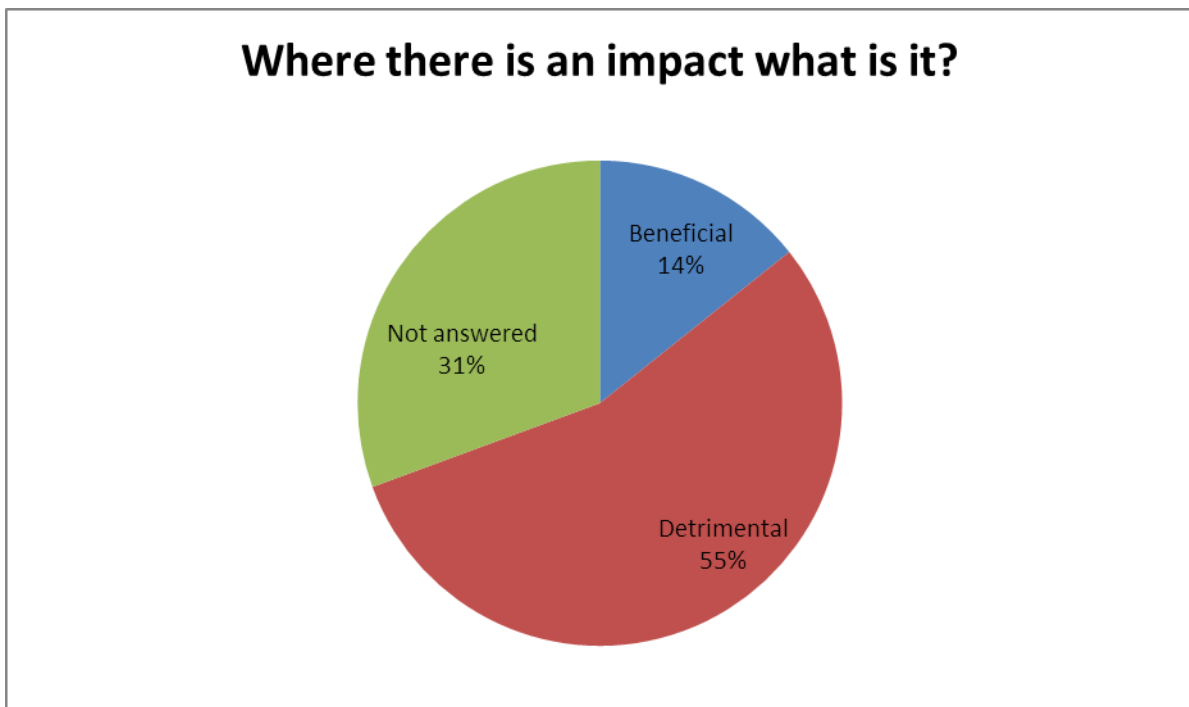
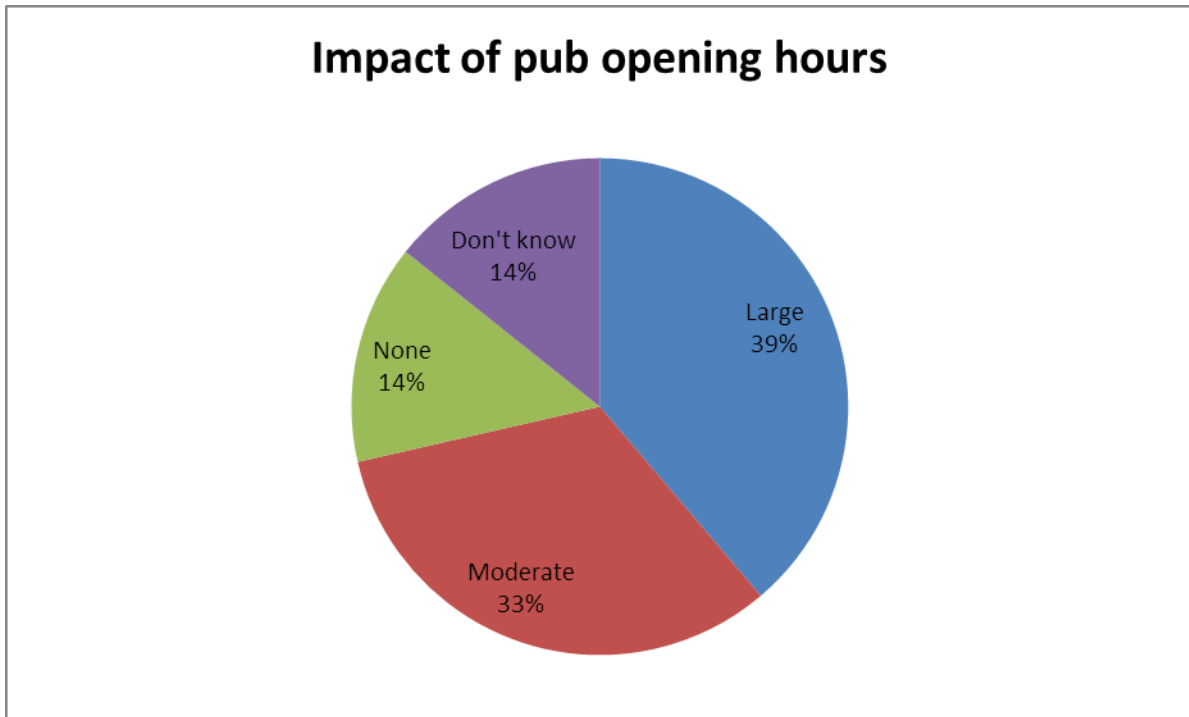
23 respondents felt there was no need for fast food premises to open after 2:30am.

Whilst 2 respondents felt the opening hours of the fast food premises had no impact.

5 respondents said their answers were the same as for the first question.

Annex 2 gives further details of comments made by respondents.

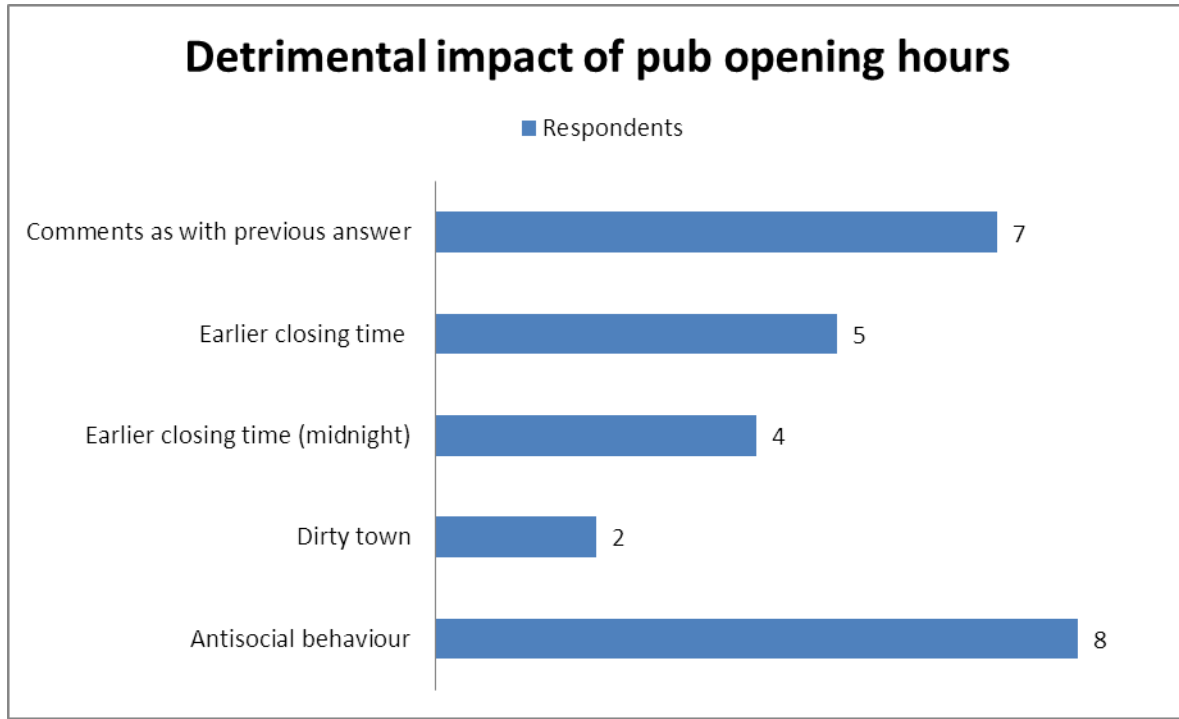
4. Views on the impact of the opening hours of pubs on the town centre.



Of the 7 respondents who said the impact was beneficial 5 did not explain their answers and 1 respondent who said the impact was detrimental described a benefit. The reasons given by the remaining respondents were:

- Small impact although people continue on to nightclubs drinking

- This brings more people in to Ashby, taxes paid by pubs and from staff income
- Pushes people in clubs which are more controlled



Annex 3 gives further details of comments made by respondents.

**5. If people could change and improve the late night economy in Ashby details of what they would change and why.**

There were 60 separate comments (some respondents made more than one comment) on what people would change about the late night economy.

The current hours elicited the most comments (36) with a range of hours being suggested:

- 7 people wanted later opening hours with specific reasons given in two comments, one to maintain competitiveness with other towns and the other to spread out the time people leave.
- Five respondents felt that closing times should not go beyond the current 2:30am (one of whom included all establishments in that comment).
- The remaining comments gave a range of closing times for different establishments ranging from 11pm to 2am. With 5 respondents specifically commenting on the opening hours of fast food establishments and wanting them to close at the same time as the clubs or earlier.

There were 9 comments about the environment especially littering (7) with suggestions that the fast food outlets pay for clearing the litter or are fined (3). Respondents also felt their should be better toilet facilities and noise control.

The market mix in the town was commented on by 5 respondents with most wanting establishments to attract a wider range of customers, for example emphasising Ashby as a cultural market town which is safe and respectable for all age groups. There was one respondent who felt there should be more pubs and clubs in the town.

There were 5 comments on how the situation in the town centre had improved in recent years, specifically the difference made by the no drinking in the streets, the CCTV and the street pastors.

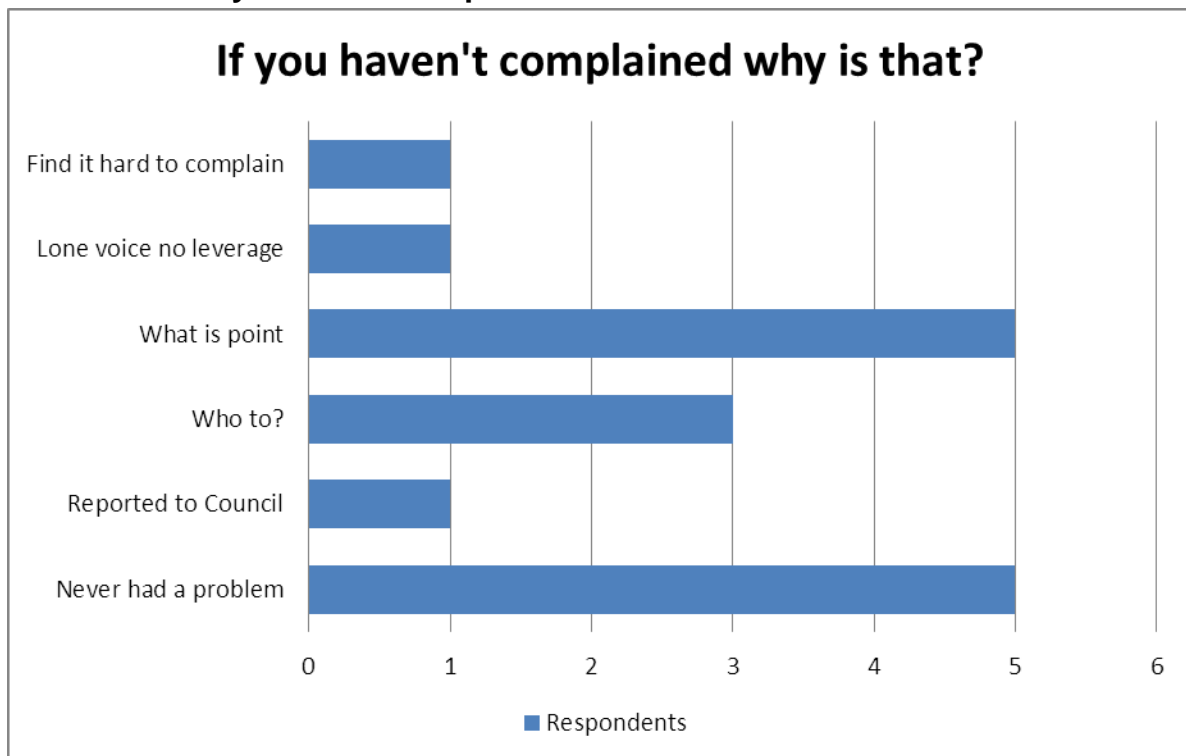
There were five more general comments:

- Taxi rank needs monitoring
- A busy town is good
- More visible police
- Clubs should be out of town or in cities
- Only soft drinks

Annex 4 gives further details of comments made by respondents.



6. When people have had a problem with the late night economy they were asked if they had ever complained



In addition 3 respondents commented more generally on the situation in Ashby in answering this question.

- Loud music (Lamb/ Lamb Passage)
- Groups on Bath Grounds
- Police not around after 2:30 when trouble happens

- Annex 1

**Detailed responses on impact of nightclubs opening at 2:30am rather than 3am.**

<b>Comment</b>	<b>Number</b>	<b>Sub Category</b>
<b>Changes seen as beneficial</b>		
Town centre quieter earlier	4	Less noise and disruption
Earlier closing reduced noise and damage	3	Less noise and disruption
Reduction in disruption	1	Less noise and disruption
No later, 2:30 late enough	2	Hours are right
No trouble anymore, most go home quietly now 2:30am	1	
<b>Changes not beneficial</b>		
Employed in sector helped my wages	1	Beneficial to economy
Prefer later closing time as less noise when bigger gap between pub and club closing	1	Prefer later hours
Earlier closing increases crime rate as people have nothing to do earlier	1	Prefer later hours
Need to be open 3am to stop people going to neighbouring towns and this could lead to closure of pubs	1	Prefer later hours
Too late at 2:30, streets active until 4am	1	Want earlier closing
1:30am would be better time	1	
No impact	2	
Is it being implemented?	1	
Can't assess impact until warmer weather here	1	
<b>General issues around late night economy</b>		

Lively town beneficial to economy	3	Beneficial to economy
No trouble in town as clubs get young people off streets	1	Benefits to town
Don't hear noise	1	
Noisy and disruptive	20	Noise & disruption
Car parking	1	Noise & disruption
Fast cars on South Street	1	Noise & disruption
Vandalism	9	Vandalism
Litter and dirty look of town	10	Litter and dirty town
Vomit on pavement & urinating	7	Litter and dirty town
Drunken violence	4	Violence
Violence starts after 2:30	1	Violence
Intimidating feel for Market Street residents	1	Atmosphere
Police not there after 2:30am	2	Policing
Cameras on Market Street help but move problem to South Street	1	

## Annex 2

### Detailed responses on the impact of the fast food outlets opening hours on the town centre

Comment	Number	Sub Category
<b>Beneficial impact</b>		
Like fast food	1	
Food a good way for people to sober up	1	
Better spending money in Ashby than other towns	1	
<b>Detrimental impact</b>		
Noisy patrons	7	Noise & disruption
Ashby town centre has many residential properties so noise should be kept to a minimum	1	Noise & disruption
Litter and mess	18	Litter and dirty town
This will not stop litter being dropped and cost of clearing up	1	Litter and dirty town
Vomit and urine	8	Litter and dirty town
Damage	1	Antisocial behaviour
Fights	1	Antisocial behaviour
Antisocial behaviour	1	Antisocial behaviour
Police will have to remain for longer	1	Policing
<b>No impact</b>		
No impact	2	
<b>Comments on opening hours</b>		
No need to open after 2:30am	8	Do not want later opening hours
Trouble after 2:30am not before	1	Do not want later opening

		hours
Extension of hours will hinder early dispersal and cause problems	13	Do not want later opening hours
Controlling hours encourages people to leave earlier	1	Do not want later opening hours
<b>Other comments</b>		
Comments as with previous answer	5	

### Annex 3

#### Detailed responses on the impact of pub opening hours on the town centre

Comment	Number	Sub Category
<b>Beneficial impact</b>		
Small impact although people continue on to nightclubs drinking	1	
This brings more people in to Ashby, taxes paid by pubs and from staff's income	1	
<b>Detrimental impact</b>		
Drink and smoke in alley outside Bunka and disturbs people in flat	1	Anti social behaviour
Always will be a minority who cause problems due to excessive alcohol	1	Anti social behaviour
Longer opening hours means drinking longer, so more problems at closing time and anti social behaviour	1	Anti social behaviour
Later opening has negative impact, more intrusive noise and anti social behaviour, drunken violence, vandalism. Unusually later opening hours in Ashby serve to exacerbate these issues and will continue to drive Ashby's reputation downhill.	1	Anti social behaviour
If the general public could de-couple enjoying themselves from drunken and loutish behaviour then local businesses could thrive and continue to give excellent service. However I fear my previous answers are still appropriate.	1	Anti social behaviour
Too much noise, mess and rowdy behaviour.	1	Anti social behaviour
They increase the number of inebriated people on the streets of Ashby until these	1	Anti social behaviour

late hours. This contributes to crime, public disorder, noise, littering and insanitary practices.		Dirty town
Broken glass and people being sick and all the mess to be cleaned up in the morning.	1	Dirty town
Close everything at midnight, bring back pleasant town.	1	Earlier closing time (midnight)
Some drink beyond capability to manage, pubs seemingly unable to stop serving drunk young, mainly men. Hours need regulating to control this, midnight reasonable.	1	Earlier closing time (midnight)
Times shouldn't get later, midnight at latest	1	Earlier closing time (midnight)
If close at reasonable time e.g. midnight less windows would be broken and policing in town would be less	1	Earlier closing time (midnight) Anti social behaviour
Would prefer earlier closing so drunk rowdy people dispersed earlier	1	Earlier closing time
The longer pubs stay open the worse the revelry tends to be. From experience closing pubs at 1am at the latest is the best option for keeping trouble to a minimum	1	Earlier closing time
Pubs staying open to 2am the same time as clubs, people are just staying in pubs and not going to clubs. This is hurting the nightclubs and putting drunker people on the streets. If they closed before the clubs and their customers then went on to clubs the club door staff can then judge if they are too drunk and send them home. If they stay in pubs it is difficult for the pub staff to spot somebody who has had too much!	1	Earlier closing time

Those who want to stay later should go to clubs	1	Earlier closing time
We have some marvellous pubs. We should strive to keep them 'friendly' local public houses with history, not late night drinking venues.	1	Earlier closing time
<b>No impact</b>	1	
<b>Other Comments</b>		
Comments as with previous answer	7	
Pushes people into clubs which are more controlled	1	



#### Annex 4

Answers to question: Based on your personal experience if you had an opportunity to change and improve the late night economy in Ashby what would you change and why?

Comment	Number	Sub Category
Wish could stay open until 3am as nearby town open later and want to people to stay in Ashby	1	(Hours) Later opening hours
Later licenses	5	(Hours) Later opening hours
Clubs to 4am as will spread people leaving	1	(Hours) Later opening hours
Close at 2am at latest, appreciate live in town centre but have a right to sleep in peace	1	(Hours) 2am closing at latest
Clubs 2am	1	(Hours) 2 am closing at latest
Pubs 1am	1	(Hours) Pubs and fast food 1am latest
Fast food 1am	1	(Hours) Pubs and fast food 1am latest
Nothing after 2:30	2	Hours
All 1am	1	Hours
Pubs and Clubs 1am close	1	Hours
All midnight	2	Hours
Fast food and pubs midnight	2	Hours
No later opening	1	Hours
Close fast food ½ an hour earlier	1	Hours
Shorter opening hours	8	Hours

Fast food 2am	1	Hours
Ok as it is	1	Hours
No alcohol after 1am	1	Hours
Pubs normal hours	1	Hours
Everywhere by 2:30 am	1	Hours
All nightclubs open to same time and fast food close at same time as clubs	1	Hours
Close 11pm	1	Hours
Littering needs addressing	2	Environment
Charge fast food outlets for litter clearance or fine	3	Environment
Better toilet facilities	1	Environment
Later opening income should help pay policing/ litter	2	Environment
Control noise	1	Environment
Encourage up market pubs/ restaurants	1	Market
No more pubs/ clubs	1	Market
Attract just younger people, heavier drinking and antisocial behaviour, need different people as well.	1	Market
Promote Ashby as cultural market town, safe and respectable for all age groups	1	Market
Develop day time economy so town less dependent on night time economy and can attract wider range of people	1	Market
Not drinking in the streets rule made a	1	Situation improved

big difference		
Improved in recent years	2	Situation improved
CCTV helped	1	Situation improved
Street Pastors have made a difference	1	Situation improved
Taxi rank monitored	1	
Busy town is good	1	
More visible police	1	
Clubs out of town or in cities	1	
Only soft drinks	1	

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**CLAIRE HAMMOND**

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**Subject:** FW: Variation - Objections

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**From:**

**Sent:** 16 April 2015 13:05

**To:** ANDY COOPER

**Subject:** Re: Variation - Objections

Hi andy,

If you can take a read of what I have wrote below, and pass it on to the relevant parties that have made an application. Thanks.

To whom it may concern.

With reference to your objections with regards to an extension of 1 hour of trading, I do completely understand your reasons for objecting the variation.

I don't know if you are aware, since Christmas I have been trading up to approx 3.15am selling cold food i.e bacon, sausage, tandoori chicken. Before I done this I informed the police i.e mark Watson that I would be staying open until approx 3.30am selling cold food. In the 4 months I have been doing this, there has not been any concerns. Also I would like to point out that 2.30 is when the clubs close and people leave the clubs, not having any food available for when they leave cause more harm than good, hence the reason I decided to stay open and serve cold food. They are eating the cold food, but a majority of people are asking for it to be hot, and I have to tell them that I can't serve hot food due to licencing and can only serve cold food after 2.30am. Whilst I'm serving cold food the que starts to die down at around 3am. The customers would be a lot happy having hot food rather than cold. It's something I will carry on doing serving cold food if need to be as customers need food when the my leave the clubs.

I have spoken to mark Watson prior to making the application, and his only concern was parking outside the club, as it's a magnet, I did say I try my best not to park outside the club exit, as sometimes I'm waiting 2-4 hours for a space. I would also like to stress if there was any concerns from the police, they would of made an objection to my application. If we can come to some sort of arrangement before the hearing or discuss anything further, then please do not hesitate to contact me.

Regards

Shraine Tumber

07751675083

Sent from my iPhone

On 16 Apr 2015, at 11:34, ANDY COOPER <[ANDY.COOPER@NWLeicestershire.gov.uk](mailto:ANDY.COOPER@NWLeicestershire.gov.uk)> wrote:

Shraine,

Please find details of the objections received against your application. These will also be in the Officers report and committee agenda pack that will be sent to you in due course.

You may wish to refer to the Councils Statement of Licensing Policy which can be found on the page at the following link. <http://www.nwleics.gov.uk/pages/licences>

If you have any additional information that you wish to be considered at the hearing please ensure that this reaches me as soon as possible.

<image001.jpg>

**Andrew Cooper**

*Licensing Enforcement Officer, Environmental Health - Licensing Team*

**Direct line:** 01530 454596

**Email:** [andy.cooper@nwleicestershire.gov.uk](mailto:andy.cooper@nwleicestershire.gov.uk)

**Web:** [www.nwleics.gov.uk](http://www.nwleics.gov.uk)

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